

House File 2305

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT ON AGING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, subsection 62, Code Supplement 2011, is amended to read as follows:

62. Records of the department on aging pertaining to clients served by the prevention of elder abuse prevention initiative, neglect, and exploitation program.

Sec. 2. Section 231.4, subsection 1, paragraph n, Code Supplement 2011, is amended to read as follows:

*n.* *"Unit of general purpose local government"* means the governing body of a city, county, township, metropolitan area, or region within the state that has a population of one hundred thousand or more, that is recognized for areawide planning, and that functions as a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions, or a tribal organization.

Sec. 3. Section 231.4, subsection 2, Code Supplement 2011, is amended to read as follows:

2. For the purposes of this chapter, "aging and disability resource center", "area agency on aging", "focal point", "greatest economic need", and "greatest social need", "planning and service area", and "tribal organization" mean as those terms are defined in the federal Act.

Sec. 4. Section 231.14, subsection 1, paragraphs e, g, and h, Code 2011, are amended to read as follows:

e. Designate for each planning and service area a public or private nonprofit agency or organization as the area agency on aging for that area. The commission may revoke the designation of an area agency on aging pursuant to section 231.32.

g. Adopt a formula for the distribution of federal Act, ~~and state services for older individuals, and senior living program~~ funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of older individuals in the state, and publish the formula for review and comment.

h. Adopt policies and measures to assure that preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

Sec. 5. Section 231.14, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Adopt policies and administrative rules pursuant to chapter 17A that support the capabilities of the area agencies on aging and the aging and disabilities resource centers to serve older individuals and persons with disabilities experiencing Alzheimer's disease or related dementias.

Sec. 6. Section 231.22, Code 2011, is amended to read as follows:

**231.22 Director — assistant director.**

1. The governor, subject to confirmation by the senate, shall appoint a director of the department on aging who shall, subject to chapter 8A, subchapter IV, employ and direct staff as necessary to carry out the powers and duties created by this chapter. The director shall serve at the pleasure of the governor. However, the director is subject to reconfirmation by the senate as provided in section 2.32, subsection 4. The

governor shall set the salary for the director within the range set by the general assembly.

2. The director shall have the following qualifications and training:

a. Training in the field of gerontology, social work, public health, public administration, or other related fields.

b. Direct experience or extensive knowledge of programs and services related to older individuals.

c. Demonstrated understanding and concern for the welfare of older individuals.

d. Demonstrated competency and recent working experience in an administrative, supervisory, or management position.

3. The director may appoint an assistant director who shall be in charge of the department in the absence of the director. The appointment shall be based on the appointee's training, experience, and capabilities.

Sec. 7. Section 231.23, Code 2011, is amended to read as follows:

**231.23 Department on aging — duties and authority.**

The department on aging director shall:

1. Develop and administer a state plan on aging.

2. Assist the commission in the review and approval of area plans.

3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter and all other chapters under the department's jurisdiction.

4. Advocate for older individuals by reviewing and commenting upon all state plans, budgets, laws, rules, regulations, and policies which affect older individuals and by providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals.

5. Assist the commission in dividing the state into distinct planning and service areas.

6. Assist the commission in designating for each area a public or private nonprofit agency or organization as the area agency on aging for that area.

7. Pursuant to commission policy, take into account the views of older Iowans.

8. Assist the commission in adopting a formula for the distribution of funds available from the federal Act and state appropriations and allocations.

9. Assist the commission in assuring that preference will

be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

10. Assist the commission in developing, adopting, and enforcing administrative rules, by issuing necessary forms and procedures.

11. Apply for, receive, and administer grants, devises, donations, gifts, or bequests of real or personal property from any source to conduct projects consistent with the purposes of the department. Notwithstanding section 8.33, moneys received by the department pursuant to this section are not subject to reversion to the general fund of the state.

12. Administer state authorized programs.

~~13. Provide annual training for area agency on aging board of directors members.~~

~~14.~~ 13. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors.

~~15. Provide oversight to ensure that the composition of the area agency on aging board of directors complies with the rules of the department.~~

Sec. 8. Section 231.23A, subsections 1 and 6, Code 2011, are amended to read as follows:

1. Services for older individuals including but not limited to home and community-based services such as adult day, assessment and intervention, transportation, chore, counseling, homemaker, material aid, personal care, reassurance, respite, visitation, caregiver support, emergency response system, mental health outreach, and home repair as defined by the department in the most current version of the department's reporting manual and pursuant to the federal Act and regulations.

6. The nutrition and health promotion program.

Sec. 9. Section 231.33, subsections 7 and 11, Code 2011, are amended to read as follows:

7. Give preference in the delivery of services under the area plan to older individuals with the greatest economic or social need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

11. ~~Contact~~ Conduct outreach efforts, ~~with special emphasis on rural older individuals,~~ to identify older individuals with the greatest economic or social needs, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas, and inform them of the availability of services under the area plan.

Sec. 10. Section 231.52, subsection 3, Code 2011, is amended to read as follows:

3. The department shall require such uniform reporting and financial accounting by ~~contractors~~ subgrantees as may be necessary to fulfill the purposes of this section.

Sec. 11. Section 231.56, Code 2011, is amended to read as follows:

**231.56 Services and programs.**

The department shall administer services and programs ~~to reduce institutionalization and encourage community involvement to help older individuals remain in their own homes~~ that allow older individuals to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals, provide a continuum of care for older individuals and individuals with disabilities, and secure the opportunity for older individuals to receive managed in-home and community-based long-term care services. Funds appropriated for this purpose shall be instituted based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 12. Section 231.56A, Code 2011, is amended to read as follows:

**231.56A Elder Prevention of elder abuse initiative, emergency shelter, and support services projects, neglect, and exploitation program.**

1. ~~Through the state's service contract process adopted pursuant to section 8.47, the department shall identify entities that have demonstrated the ability to provide a collaborative response to the immediate needs of older individuals for the purpose of implementing elder abuse initiative, emergency shelter, and support services projects. The projects shall be coordinated in service areas that have a multidisciplinary team established pursuant to section~~

~~235B.1, where available.~~ The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in, investigation of, and response to elder abuse, neglect, and exploitation including financial exploitation.

2. The target population of the ~~projects~~ program shall be any older individual residing in Iowa who is at risk of or who is experiencing abuse, neglect, or exploitation ~~which may include but is not limited to an older individual who is the subject of a report of suspected dependent adult abuse pursuant to chapter 235B. This subsection shall not apply to an older individual who is receiving assistance under a county management plan approved pursuant to section 331.439 including~~ financial exploitation.

3. The contractor implementing the ~~projects~~ program shall identify allowable emergency shelter and support services, state funding, outcomes, reporting requirements, and approved community resources from which services may be obtained ~~under the projects.~~

4. The contractor shall implement the ~~projects~~ program and shall coordinate the provider network through the use of referrals or other engagement of community resources to provide services to older individuals.

5. ~~The department shall award funds to the contractor in accordance with the state's service contract process and department rule. Receipt and expenditures of moneys under the projects are subject to examination, including audit, by the department.~~ The department shall adopt rules to implement this section.

6. ~~This section shall not be construed and is not intended as, and shall not imply, a grant of entitlement for services to individuals who are not otherwise eligible for the services or for utilization of services that do not currently exist or are not otherwise available.~~

Sec. 13. Section 231.62, Code Supplement 2011, is amended by striking the section and inserting in lieu thereof the following:

**231.62 Alzheimer's disease services and assistance.**

Pursuant to the federal Act, the department shall direct the area agencies on aging to use outreach efforts to identify older individuals with Alzheimer's disease and related disorders and to establish supportive services for those

individuals and their families. The department shall regularly review trends and initiatives to address the long-term living needs of Iowans to determine how the needs of persons with Alzheimer's disease and related disorders can be appropriately met.

Sec. 14. Section 231.64, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

**231.64 Aging and disability resource center program.**

1. The aging and disability resource center program shall be administered by the department consistent with the federal Act. The department shall designate participating entities to establish a coordinated system for providing all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. Personal counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances. The plan for long-term care may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

2. The aging and disability resource center program shall assist older individuals, persons with disabilities age eighteen or older, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term care services and supports.

Sec. 15. Section 231.66, Code 2011, is amended to read as follows:

**231.66 Nutrition and health promotion program.**

A nutrition and health promotion program shall be administered by the department, in accordance with the requirements of the federal Act, including congregate and home-delivered nutrition programs, nutrition screening, nutrition education, nutrition counseling, and evidence-based health promotion programs to promote health and well-being, reduce food insecurity, promote socialization, and maximize

independence of older individuals.

Sec. 16. REPEAL. Sections 231.24 and 231.63, Code 2011,  
are repealed.

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KRAIG PAULSEN  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 2305, Eighty-fourth General Assembly.

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W. CHARLES SMITHSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2012

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TERRY E. BRANSTAD  
Governor